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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,931	01/24/2002	Ingo Schuering	449122010600	2998
25227	7590	03/23/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			ELKASSABGI, HEBA	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,931

Applicant(s)

SCHUERING, INGO

Examiner

Heba Elkassabgi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Applicants amendment in reply of 12/17/2004, is acknowledge by the Examiner.

Claim Rejections - 35 USC § 103

Claims 1 -2, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epars (U.S. Patent 4700096) and further in view of Amemiya et al. (US Patent 4697114).

Epars discloses in figure #1 a multipole, permanent-magnet rotor (10) for a rotating electrical machine, having permanent magnets (121, 122,123, 124,125, 126,127,128) designed to be flat in a magnetization direction and arranged radially with respect to a rotor axis in slot-like spaces between two yokes (17) fixed on a rotor body (10), wherein each yoke (17) is subdivided in a circumferential direction into two mutually adjacent half-yokes (17) which extend over half of one pole pitch (OPP), and the two half-yokes (18,19) of the two yokes (17) are arranged alongside one another and are connected by end points (30,31,plates) to form a pole element (OPP, as disclosed in previous office action), the pole element is fixed on the rotor body (10). However, Epars does not disclose the end plates over the rotor yokes.

Amemiya et al. Disclose in figures 1 and 2 a permanent magnet motor having two adjacent yokes (12) of a permanent magnet rotor assembly having a permanent magnets (13) between adjacent yokes (12) with end plates (14 and 15) provided on the

axially opposite ends of the yokes in order to restrict the movement of the permanent magnets (13).

Since Epars and Amemiya et al. are from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the permanent magnet motor structure of Epars with the end shield of Amemiya et al. in order to restrict the movement of the permanent magnets.

In regards to claim 2, Epars discloses each of the two half-yokes (18,19) is fitted with permanent magnets (121,122,123,124,125,126,127,128) on a surface facing a slot-like intermediate space. In regards to claim 5, Epars further discloses the pole element (OPP) is subdivided into a number of radial pole elements (18,19) in an axial direction of the rotor (10). In regards to claim 7, the permanent magnets (121,122,123,124,125,126,127,128) are cuboid.

In regards to claim 6, though the product-by-process claims are limited by and defined by the process, determination of patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process, *In re Thorpe*, 777 F.2d 695,698,227 USPQ 964,966 (Fed. Cir. 1985).

Allowable Subject Matter

Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 3 prior art does not disclose two half yokes of a pole element in an intermediate space filled with a material that is configured to expand under the influence of impregnation resin.

Claim 4 is allowed being dependent upon claim 3.

Response to Arguments

Applicant's arguments filed 11/24/2004, have been fully considered but they are not persuasive.

In regards to applicant's response that Epars and Amemiya does not disclose or suggest that combining the two yokes to form applicants pole elements (the pole elements of the applicants being two half yokes (3,2) joined to the permanent magnets (5) and arranged to the corresponding side surfaces by end plates and to form a pole element). The Examiner respectfully disagrees with applicant, though the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining refernces is what the combination of

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disclosures taken as a whole would suggest to one of ordinary skill in the art, In re McLaughlin, 170 USPQ (CCPA 1971). Additionally, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, In re Bozek, 163 USPQ 545 (CCPA 1969). Additionally, Epars suggests that the rotor body being the shaft (11), having end plates (31,33) with the pole pieces being fixed to the rotor body shaft through member (40), which locks for rotation with the shaft.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is 571-272-2023. The examiner can normally be reached on Weekdays, 9:00 am to 7:00pm.

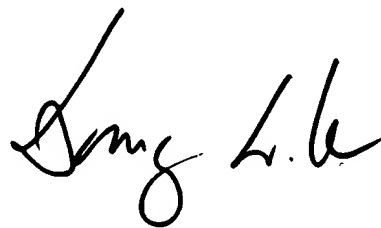
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heba Y. Elkassabgi



United States Patent and Trademark Office
Patent Examiner –AU 2834
Class 310- Electrical Generator/Motor Structure



DANG LE
PRIMARY EXAMINER